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10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA  
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13 DAIMLER AG, a German corporation,  
14 Plaintiff,  
15 v.  
16 A-Z WHEELS LLC d/b/a USARim.COM,  
17 et al.,  
18 Defendants.

Case No.: 16-cv-875-JLS (MDD)

**ORDER GRANTING UNOPPOSED  
MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT**  
(ECF No. 30)

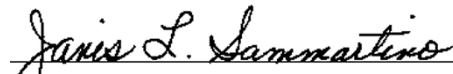
19  
20 Presently before the Court is Plaintiff Daimler AG's Motion for Leave to File First  
21 Amended Complaint ("Leave Mot."). (ECF No. 30-1.) Although Plaintiff indicates that  
22 "Defendants' counsel did not consent to the filing of an amended complaint[.]" (Pl.  
23 Daimler AG's Notice of Mot. for Leave to File First Am. Compl. 2 n.1, ECF No. 30),  
24 Defendants have not opposed Plaintiff's Leave Motion. *Compare* S.D. Cal. Civ. L.R.  
25 7.1(e)(2) ("[E]ach party opposing a motion . . . must file that opposition . . . not later than  
26 fourteen . . . calendar days prior to the noticed hearing." (emphasis removed)), *with* (Leave  
27 Mot. 1 (indicating hearing date of July 13, 2017)). Such failure to oppose a motion "may  
28 constitute a consent to the granting of a motion or other request for ruling by the [C]ourt."

1 S.D. Cal. Civ. L.R. 7.1(f)(3)(c). Further, “[t]he [C]ourt should freely give leave [to amend  
2 a complaint] when justice so requires.” Fed. R. Civ. P. 15(a)(2); *see also In re Tracht Gut,*  
3 *LLC*, 836 F.3d 1146, 1152 (9th Cir. 2016) (noting that denying leave to amend requires the  
4 presence of at least several of the following: “bad faith, undue delay, prejudice to the  
5 opposing party, and futility”).

6 In the present case, Plaintiff seeks only to file an amended complaint in order to add  
7 “new information regarding the various defendants[,]” such as corrected business names  
8 and locations. (Leave Mot. 2–3.) And because Defendants have not opposed the Motion,  
9 they have simultaneously failed to demonstrate any bad faith, undue delay, prejudice to the  
10 opposing party, or futility in amendment, and consented to the Court granting Plaintiff’s  
11 requested relief. Accordingly, the Court **GRANTS** Plaintiff’s Leave Motion. Plaintiff  
12 **SHALL** file a complete version of the Amended Complaint and corresponding Exhibits  
13 (see ECF Nos. 30-2, 30-4 to -84) within seven days of the date on which this Order is  
14 electronically docketed.

15 **IT IS SO ORDERED.**

16 Dated: July 6, 2017

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18 Hon. Janis L. Sammartino  
19 United States District Judge  
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